



CITY OF SUNNYVALE

CIVIL SERVICE RULES AND  
REGULATIONS

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## SECTION 11.00 GENERAL

### 11.01 APPLICABILITY AND OBJECTIVES

The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:

- (a) Obtain and retain the best qualified personnel available for service in the Classified Service;
- (b) Assure that appointments and promotions shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
- (c) Assure, through formal appeal provisions, that disciplinary actions, or separations from the service are consistent with the best interest of the City.

### 11.02 PERSONNEL BOARD

The Personnel Board shall consist of five members selected as prescribed by the City Charter and shall appoint its own Chairperson at the first meeting of each fiscal year. Three members of the Board shall constitute a quorum, and the affirmative vote of the majority of the quorum shall be required to give effect to any action of the Board. The Personnel Board shall:

- (a) Fix the time and place of regular meetings and give reasonable public notice thereof. Special meetings may be convened at the call of the Chairperson or by any three members of the Board after reasonable public notice and notice to the remaining members of the Board; and
- (b) Act as a personnel advisory agency and as a personnel appeals hearing agency as prescribed by the City Charter and by these Rules and Regulations as more fully explained in

## Section 19.02.

### 11.03 CLASSIFIED SERVICE

The Classified Service shall consist of all positions in the City service except the following:

- (a) All elective officers;
- (b) All members of Boards and Commissions;
- (c) The City Manager, City Attorney and any Assistant or Deputy City Attorney.
- (d) The head of each department;
- (e) Persons employed in part-time positions regarded as "casual" or "seasonal";
- (f) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
- (g) Persons employed for a temporary or special purpose for a period of time fixed by resolution of the City Council and in accordance with the City Charter.

### 11.04 ADMINISTRATION

The City Manager shall be responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service; except that the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office.

## **SECTION 12.00 RECRUITMENT**

### **12.01 GENERAL STANDARDS**

Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made. No applicant shall either be discriminated against or be privileged on account of their protected categories as defined by state and federal law.

### **12.02 WORKFORCE COMPOSITION**

The City shall strive to reflect the demographic composition of the total workforce of the community at all job levels and in all segments of the work force. The City shall provide equal opportunity for all people in all employment policies and practices in accordance with the City's Equal Employment Opportunity Policy.

### **12.03 REASONABLE ACCOMMODATION**

With adequate notice, the City shall provide reasonable accommodation to applicants and City Employees with a disability (as defined by the Americans with Disabilities Act and the California Fair Employment and Housing Act) in order to ensure access to the benefits and conditions of employment, City facilities, and City services.

### **12.04 MINIMUM STANDARDS**

Applicants shall, prior to appointment, meet the minimum standards prescribed by applicable class specifications and shall:

- (a) Pass a medical examination (if required for a specific job classification) administered by a licensed medical practitioner, selected and paid by the City, to determine physical fitness for the position to which an appointment is to be made;

- (b) Subscribe to the Oath of Office as contained in the City Charter;
- (c) All employees are required to be fingerprinted;
- (d) Pass a full background investigation, if required for a specific job classification;
- (f) Pass an alcohol and drug test as required by position or assignment;
- (g) Meet other requirements as prescribed by state or federal law.

### **12.05 EMPLOYMENT OF RELATIVES**

The City Manager, or the designated representative of the City Manager, may refuse to employ any person under the direct supervision of a City official or City employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) to such person, or to employ any person to the same department wherein a direct working relationship with an employee directly related by blood within the first degree (e.g. father/mother, son/daughter) or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin) exists, and where the above appointments have the potential for creating a negative impact on the supervision, safety, security, or morale, or involve potential conflicts of interest.

An application shall not be accepted from nor shall an appointment be made of any member of the Sunnyvale City Council or any Sunnyvale appointive Board or Commission during the term of office to which the member has been elected or appointed, nor within two (2) years thereafter. Nor shall an application be accepted from, or an appointment be made of, any person directly related by blood within the first degree (e.g. father/mother, son/daughter)

or second degree (e.g. brother/sister, grandparents/grandchildren, uncle/aunt, nephew/niece, first cousin), to a member of the Sunnyvale City Council.

## **12.06 TYPES OF RECRUITMENT PROCESSES**

All recruitment processes are conducted in accordance with civil service merit principles.

There shall be three types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:

- (a) Citywide Promotional Recruitment. The applicant group is limited to employees who have regular Classified Service status with the City (including probationary employees), meet the minimum qualifications specified on the job announcement, and have received an overall rating of “achieves or exceeds expectations” on their most recent performance evaluation. The requirement to have received an overall rating of “achieves or exceeds expectations” on their most recent performance evaluation shall not apply to probationary employees who have not yet received a performance evaluation.
- (b) Citywide Transfer Recruitment. This type of recruitment may be conducted to fill vacancies in a classification which exists across City departments and/or in a classification that has similar minimum qualifications and the same salary range.
- (c) Open and Competitive Recruitment. This type of recruitment is normally conducted to fill vacancies. A department head may request that any recruitment be conducted on an open and competitive basis.

## **12.07 SOLICITATION OF APPLICANTS**

Announcements of vacancies shall be posted on the City’s website and on the bulletin board in the Department of Human Resources and advertised in a manner appropriate to the type of examination to be administered (open, closed promotional — see paragraph 13.02). City departments shall also post announcements of vacancies at each work location.

## **SECTION 13.00 EXAMINATIONS**

### **13.01 PREPARATION**

The City Manager, or the City Manager's designated representative, shall direct the preparation of such tests of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The City Manager, or the City Manager's designated representative, shall determine whether the examination shall consist of a written, or oral, or performance, or psychological, or investigative, or physical tests, or a combination thereof, and shall indicate the procedure in the announcement.

### **13.02 CLASSES OF EXAMINATIONS**

Examinations held to establish a list of eligible candidates for any classification shall consist of one or more of the following parts, as determined and developed by the Human Resources Department. All examinations administered by the City are objective, content-valid and job-related examinations. The following represent the most common types of City examinations utilized:

- (a) Training and Experience Examinations. A training and experience examination is designed to measure the applicants’ training and experience as it relates to the

minimum qualifications of the position. This examination process requires applicants to respond to supplemental questions that are rated and scored to determine the best qualified applicants. Those applicants that are determined to be the best qualified will continue with the examination process.

- (b) Oral Examinations. An oral examination is designed to measure candidates' knowledge, skills, and experience determined to be essential to the position, including interpersonal, leadership, problem solving, customer service, supervisory, presentation, and/or oral communication skills. The oral examination is a standard set of questions developed by Subject Matter Experts (SMEs) and is asked of every candidate.
- (c) Written Examinations. A written examination is designed to measure the various knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job.
- (d) Performance Examinations. A performance examination is designed to determine the level of abilities and/or manual skills of candidates to perform the essential functions of the job. The performance examination is a standard set of questions and/or tasks developed by Subject Matter Experts (SMEs) and given to each candidate.
- (e) Physical Agility Examinations. A physical agility examination is designed to determine physical agility, stamina and physical fitness of candidates to perform essential functions of the job.
- (f) Assessment Center Examinations. An assessment center examination is

a series of examinations that are designed to determine the knowledge, skills and abilities of candidates determined necessary to perform the essential functions of the job, including role-playing, in-basket, presentation, oral examinations, etc.

- (g) Other Examinations. Other types of selection tools may be developed and administered, including: presentations, personal interviews, typing tests, work samples, background investigations, or any combination of these or other tests as described above. All examinations are developed with the assistance of Subject Matter Experts (SMEs) and administered by the Department of Human Resources.

### **13.03 DISQUALIFICATION OF APPLICANTS**

An applicant may be disqualified during any step of the examination process for any one of the following reasons:

- (a) Using or attempting to use influence to gain advantage in the examination process;
- (b) Making a false or misleading statement of material fact in connection with any stage of the examination process;
- (c) Is found to lack any of the requirements, certificates or qualifications of the classification applied for;
- (d) Making demeaning comments or behaving inappropriately towards others during the course of the examination process in violation of the City's policy against Harassment, Discrimination and Retaliation;

- (e) Withholding relevant information regarding applicant qualifications;
- (f) Using deception or fraud at any stage in the examination process;
- (g) Possessing unauthorized materials, devices, or anything of use or assistance in any stage of the examination process;
- (h) Behaving in a disruptive manner during an examination process;
- (i) Directly or indirectly obtaining information regarding examinations;
- (j) Copying the work of another applicant; or reviewing the examination documents prior to commencement of an examination;
- (k) Arriving at the place of examination after the start time;
- (l) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law;
- (m) Failing to respond to notifications or other correspondence;
- (n) City employees that apply for a promotion and did not receive an overall rating of "achieves or exceeds expectations" on their last performance evaluation; this requirement shall not apply to probationary employees who have not yet received a performance evaluation;
- (o) Physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation;
- (p) Is a current user of illegal drugs;
- (q) Is in violation of Section 12.05 (Employment of Relatives) of the City's Civil Service Rules and Regulations;
- (r) Has had his or her privilege to currently operate a motor vehicle in the State of California suspended or revoked, if driving is required;
- (s) Refusing to execute the Loyalty Oath, as required by State law;
- (t) Is a current City Council member or on a current City Board or Commission during the term of office the member has been elected or appointed, or within two years thereafter;
- (u) For any material cause which in the judgment of the Director of Human Resources would render the applicant unsuitable for the position, including but not limited to a prior termination from the City or a significant disciplinary action.

Any applicant disqualified for fraud, deception or dishonesty during any stage of the examination process may not reapply with the City for a period of twelve months.

#### **13.04 GRADING OF EXAMINATIONS**

The City Manager, or the City Manager's designated representative, shall establish for each test the basis required for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.

#### **13.05 VETERAN'S CREDITS**

Veteran's credits will only be assigned on examinations for positions in the Classified Service which represent the entry-level classification of a job family. To qualify for veteran's credits, an applicant must submit at the time of application, a copy of an

appropriate Department of Defense document indicating veteran status at the time of application. Veterans who attain a passing examination score used to determine placement on the eligible list shall be allowed a credit of three (3) points on that score. Disabled veterans shall be allowed an additional credit of two (2) points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service connected injury or wound which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the Classified Service is receiving disability compensation from the Federal Government.

Applicants who qualify for veteran's credits will have them applied to their final examination score.

## **SECTION 14.00 ELIGIBLE LIST**

### **14.01 CONTENT**

The Department of Human Resources shall prepare and establish the employment eligible list at the conclusion of all examination processes. The final score shall be determined by the total of the scores earned by each applicant for each part of the examination, based on the relative weight assigned to each part of the examination.

The top five eligible candidates, including ties and any bargaining unit inclusions, will be referred in alphabetical order to the Department Director, or designee, to conduct selection interviews for an approved vacancy. One additional candidate will be referred to the Department for consideration

for each additional approved vacancy. All candidates referred to the Department Director, or designee, are determined to be fully qualified and upon completion of the selection interview process, the Department Director, or designee, may select any eligible candidate from the referral list.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

Direct Referral: For recruitments that result in five or fewer qualified applicants who meet the minimum qualifications of the position, the Director of Human Resources may choose to waive any further examination process(es), establish an employment eligible list and directly refer the eligible candidates to the appointing authority for consideration.

For employment eligible lists that are established by a direct referral, department hiring/selection interview questions shall be submitted and reviewed by the Department of Human Resources in advance of the department hiring/selection interview.

### **14.02 DURATION**

An employment eligible list shall remain in effect for a period of twelve months, and

may be extended by the Director of Human Resources, at the request of the Department Director, for a period up to an additional twelve months. The exception shall be the Public Safety Lieutenant employment eligible list which will remain in effect for a period of eighteen months with no extensions.

The Director of Human Resources may abolish any employment eligible list when there are two candidates remaining on the list.

The Director of Human Resources may also abolish any open and competitive employment eligible list prior to its expiration date upon recommendation of the Department Director, with approval of the City Manager. Such action shall be permitted only when it is considered to be in the best interest of the City.

#### **14.03 REMOVAL**

The Director of Human Resources, or designee, shall remove a candidate from a certified employment eligible list for the following reasons:

- (a) Refusal to accept appointment to an offered position.
- (b) For external candidates, refusal to participate in the selection interview process.
- (c) For internal candidates, refusal, without an approved waiver, to participate in the selection interview process.
- (d) Appointment to the classification for which the eligible list was established.
- (e) Written request from the candidate for removal from the list.
- (f) Failure to contact the Department Director, or designee, within seven

calendar days from being notified of a selection interview or offer of employment.

- (g) Failure to continue to meet the minimum qualifications or minimum employment standards for the position for which the eligible list was established.
- (h) Failure to successfully complete the City's pre-employment process.
- (i) For any of the causes set forth in this section or the Recruitment, Examination and Selection Policy as basis for disqualification of the candidate from the employment eligible list.

A Department Director, with approval from the Director of Human Resources, shall remove an external (not a current regular City employee) candidate from a certified employment eligible list for any job-related reason. In addition to the reasons outlined above, examples of appropriate job-related reasons to remove an external candidate from a certified employment eligible list include: unverifiable information in employment history; unsatisfactory job performance reference check; or any reason listed under paragraph 13.03.

#### **14.04 CERTIFICATION**

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with the Certification Procedures section of the Recruitment, Examination and Selection policy.

All vacancies in the Classified Service shall be filled from qualified candidates that have been certified by the Director of Human

Resources, or designee, from an employment eligible list, reinstatement employment eligible list or a reduction in force list. The Department of Human Resources maintains employment eligible lists in accordance with this policy.

Certification to the eligible list will be accomplished by placing the candidate scores in rank order to differentiate their relative performance and referred to a Department for consideration. The Department of Human Resources shall certify the top five eligible candidates to the Department Director, or designee, for consideration for an approved vacancy. One additional eligible candidate will be referred to a Department for consideration for each additional approved vacancy. The candidate names referred to the Department for consideration will be in alphabetical order. All candidates referred to the Department Director are considered fully qualified and eligible for hire.

Except in the case of classifications assigned to the Department of Public Safety. Instead of referring over the top five eligible candidates for each vacancy, the Department of Human Resources will refer over the top band of highly qualified candidates to the Department of Public Safety for consideration.

The highly qualified band will include all candidates who have scored between 85% and 100% on their final score.

The second band of qualified candidates will be referred over to the Department of Public Safety for consideration when the highly qualified band has been fully considered and the list has been exhausted to a maximum of five candidates. The qualified band will include all candidates who have scored between 70% and 84% on their final score.

(a) Waiver of Certification

Internal candidates may waive certification once upon giving

reasons satisfactory to the Director of Human Resources. If the reason is not approved by the Director of Human Resources, then the candidate's name shall be removed from the eligible list from which they were certified. Waivers must be filed in writing with the Director of Human Resources.

There is no provision for external candidates to waive certification or to request a waiver from certification.

(b) Selective Certification

If a vacancy exists within a broad classification, the Department Director, or designee, may request a selective certification of candidates having the specialized qualifications required from the eligible list for that classification. For example, if a department has a requirement that candidates be able to type at a certain rate of speed or use a ten-key.

When selective certification is indicated, the Director of Human Resources, or designee, shall determine which candidates, in order of ranking on the applicable list, have the required special qualifications.

The special qualification may be tested for as part of the examination for the classification. Applicants must be notified of their opportunity to be tested for the special qualification.

Applicants who do not pass the special qualification testing required for selective certification will remain on the original employment eligible list.

## **SECTION 15.00 APPOINTMENTS**

### **15.01 CLASSES OF APPOINTMENTS**

The classes of appointments to positions in the Classified Service shall be Probationary, and Regular. Appointees to each class shall be subject to the conditions and limitations set forth herein.

### **15.02 PROBATIONARY APPOINTMENTS**

Probationary appointments are for the purpose of providing a work performance evaluation period (also known as a "probationary period") prior to filling positions on a Regular Appointment basis. The appointing authority shall make each probationary appointment from the certification list (see paragraph 14.04).

Probationary periods are used to evaluate an employee's work for the period of time prior to an employee obtaining regular employment status with the City. A probationary period will occur when a new employee is hired within regular appointment or grant-funded appointment status or when a current City employee promotes to a new position requiring a probationary period.

The probationary period shall be for the following period of time:

- (a) Thirty-nine (39) pay periods for Public Safety Officers;
- (b) Twenty-six (26) pay periods for Public Safety Dispatchers;
- (c) Thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

As specified below, an employee's probationary period may be extended for the time period indicated upon recommendation of the Department Director or designee, and approval of the City Manager or designee, if

the employee's work performance or work-related behavior does not meet the required standards of the position:

- Up to an additional thirteen (13) pay periods for Management and all other classified full-time and part-time employees;

During the probationary period an employee may be rejected at any time without cause and without the right of appeal upon recommendation of the appointing authority and approval of the Director of Human Resources. An employee does not acquire regular employment status in a position until the probationary period has been successfully completed.

An employee who has obtained regular employment status in a prior lower-level classification and is rejected while on the promotional probationary period will be reinstated to the classification from which the promotion occurred, unless the rejection is due to discharge for cause in which case no reinstatement shall occur. However, if the rejection is due to discharge for cause, the Procedures for Formal Disciplinary Action in Paragraph 21.04 and the Appeal Procedures contained in paragraph 19.02 would apply.

Regular full-time and part-time employees on probationary periods shall be entitled, according to their pay periods of service, to all of the supplementary pay and benefits applicable to employees holding regular full-time and part-time appointments with the same pay periods and/or months of service.

### **15.03 REGULAR APPOINTMENTS**

Regular appointments may be full-time or part-time and are for the purpose of providing a regular complement of employees in the Classified Service to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the appointing authority from employees

successfully completing the probationary period required of employees holding probationary appointments.

#### **15.04 TRANSFER**

The City Manager may transfer any employee to another position having the same class specifications or to another position in a different class providing the education, experience, knowledge, skill and ability, and salary of the class are substantially equal to the position from which the employee is being transferred.

### **SECTION 16.00 PERFORMANCE**

#### **16.01 PERFORMANCE STANDARDS**

Performance standards shall be established for each department or office and shall specify standards of conduct, appearance, and work performance. These standards shall be expressed in precise and readily understood terms for the guidance of employees and for application by supervisory personnel in evaluating employee performance.

#### **16.02 EVALUATION REQUIRED**

- (a) For all regular employees, a work performance evaluation shall be completed at least once each three (3) months for employees on a probationary period and at the conclusion of the probationary period. A performance evaluation is also required to extend an employee's probationary period.
- (b) All regular employees who have successfully completed their probationary period will receive an annual evaluation for the rating period specified in City policy.
- (c) Performance evaluations may be completed more frequently than on an annual basis as determined to be necessary by the employee's

supervisor or manager. This does not preclude the taking of disciplinary action in interim periods between evaluations.

- (d) Performance evaluation rating periods and/or due dates may be modified due to pending personnel actions or leave issues upon the approval of the Director of Human Resources.

#### **16.03 PERFORMANCE RATING**

The evaluation of work performance shall be directed to recording significant facts about the quality and quantity of work performed, conduct and work habits on work assignments and other pertinent factors which demonstrate the value of the employees' work performance. Such facts shall be reported by supervisory personnel. A uniform system of appraisal shall be used. Each rating shall be discussed with the employee being rated to the end that the employee understands the rating and the areas in which performance is competent or must be improved.

#### **16.04 USE OF PERFORMANCE RATINGS**

Performance ratings are a continuing record of employee performance and progress and shall be used as follows:

- (a) Salary adjustments between the steps established as the scale for a given class shall not be approved unless the employee's work performance achieves expectations.
- (b) Salary adjustments for management employees designated in the City's current salary resolution shall be made in accordance with provisions therefore set forth in said resolution.
- (c) The order of lay-off of employees for a lack of work or funds, or in the interest of economy, shall be determined in accordance with

## Section 17.02.

- (d) A Leave of Absence Without Pay shall not be granted unless the overall rating is achieves expectations or better.
- (e) An overall rating of “achieves or exceeds expectations” on the most-recent work performance evaluation is required in order for an employee to be eligible to participate in a promotional examination. This requirement shall not apply to probationary employees who have not yet received a performance evaluation.
- (f) Performance ratings shall be considered in disciplinary actions or dismissals.

## SECTION 17.00 SEPARATION

### 17.01 RESIGNATION

An employee under the appointing authority of the City Manager desiring to leave the City's service may do so by filing a statement of resignation in writing with the appropriate department director, Director of Human Resources, or the City Manager at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future employment.

Once the resignation is accepted by the City Manager or designee, the employee may rescind or modify the separation date only upon the approval of the City Manager or designee.

An employee under the appointing authority of the City Attorney desiring to leave the City's service may do so by filing a statement of resignation in writing with the City Attorney or designee at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future

employment.

Once the resignation is accepted by the City Attorney or designee, the employee may rescind or modify the separation date only upon the approval of the City Attorney or designee.

### 17.02 REDUCTION OF FORCE

When it is necessary to reduce the staff for lack of work or funds or in the interest of economy, the City Manager shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The lay-off of employees shall occur within the classes determined in accordance with the following procedure:

- (a) All employees holding provisional appointments shall be laid off first, except that those employees holding provisional appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously achieved regular status;
- (b) Employees holding probationary appointments shall be laid off next; except that employees holding probationary appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously attained regular status.
- (c) Employees holding regular appointments who have an overall performance rating of less than “achieves expectations” in the last complete performance evaluation shall be laid off next.
- (d) All regular employees having a performance rating of at least “achieves expectations” shall be laid off last in

order of seniority of service.

- (e) The names of regular or probationary employees laid off according to this procedure shall constitute a re-employment list in the inverse order of layoff.

### **17.03 RETIREMENT**

Each employee shall be entitled to retirement in good standing upon becoming eligible therefore under the provisions of the retirement plan in force.

## **SECTION 18.00 REINSTATEMENT**

### **18.01 REINSTATEMENT AFTER RESIGNATION**

A permanent City employee in the Classified Service who has resigned from the City in good standing may apply to be reinstated to their former vacant position without examination, within one year from the effective date of resignation.

An application shall be completed and forwarded to the Department of Human Resources and upon review and approval by the appropriate Department Director and the Director of Human Resources, will be placed on the reinstatement employment eligible list, subject to the following conditions:

- (a) The applicant held a regular appointment at the time of separation and resigned in good standing;
- (b) The applicant received an overall rating of "achieves or exceeds expectations" on their last performance evaluation;
- (c) The applicant has applied for reinstatement within one year from the effective date of resignation; and,

- (d) The applicant can demonstrate that they meet the minimum qualifications and employment standards of the position.

The submission of an application for reinstatement will not result in an automatic appointment. Reinstatement appointments are made upon the recommendation of the Department Director and upon approval of the City Manager, or designee.

Reinstatement appointments will be required to successfully pass all pre-employment examinations required of the position.

### **18.02 REINSTATEMENT FROM A REDUCTION IN FORCE LIST**

A regular City employee in the Classified Service who has been laid off will be placed on a re-employment list for five years from the effective date of the layoff. Applicants will be listed on the re-employment list in inverse order of the layoff. Applicants whose names appear on a re-employment list as a result of a reduction in force shall be reinstated in the order in which their names appear on the list subject to the following conditions:

- (a) A position is available in the class from which the applicant was separated as an employee.
- (b) The applicant accepts reinstatement within seven (7) calendar days from the date of notification; or notifies the Department of Human Resources within this time period of the desire to remain on the list but not to accept the current opening. Only one refusal is allowed.
- (c) The applicant has not during the period of lay-off incurred any disability or condition which would prevent the applicant from performing the essential duties of the position in an acceptable manner

with or without a reasonable accommodation.

- (d) The re-employment list shall be retained for five (5) years from the date of establishment.

### **18.03 REINSTATEMENT FROM MILITARY LEAVE**

Employees who are drafted or recalled to military service for long-term assignments are to be separated in accordance with the provisions of the State Military and Veterans' Code. Upon termination of the military service the employee is to be reinstated provided there has been full compliance with the provisions of the code including application for reinstatement within ninety (90) days.

### **18.04 PRIORITY OF APPOINTMENT**

Applicants whose names appear on a re-employment list shall be given priority over all other applicants for appointments to positions for which the applicants have qualified by reason of previous appointment or status.

## **SECTION 19.00 APPEALS**

### **19.01 GRIEVANCE APPEALS PROCEDURE**

Any employee having a grievance arising from employment in the Classified Service, other than that which is subject to the Disciplinary Appeal Procedure, shall seek a resolution to the grievance initially with their immediate supervisor. Should the immediate supervisor be unable or unwilling to arrive at a satisfactory resolution, or be a part of the grievance, the employee may seek resolution with the department head. Should the department head be unable or unwilling to make a satisfactory resolution, or be a party to the grievance, the employee may then seek resolution from the City Manager. The employee may request the

service of the State Mediation and Conciliation Service to advise the City Manager on this matter. The decision of the City Manager shall be final and conclusive.

The foregoing procedure shall not apply to any employee covered by an alternate formal grievance procedure established pursuant to a Memorandum of Understanding entered into between the City and an employee bargaining unit.

### **19.02 DISCIPLINARY APPEAL PROCEDURE**

Any employee in the Classified Service holding a regular appointment who, for disciplinary reasons, is suspended without pay, demoted, dismissed, or subjected to reduction in salary shall be entitled to be heard before the Personnel Board at a duly constituted meeting thereof provided a written request therefore has been filed with the Secretary of the Board within fourteen (14) calendar days from the effective date of the action from which the employee seeks exception. A properly filed written request for a hearing before the Personnel Board shall be processed as follows:

- (a) Within thirty (30) calendar days after the proper filing of written request for a hearing, the Personnel Board shall schedule a hearing, following any review of the action and complaint deemed necessary.

Upon mutual written agreement by the parties, the timeline to schedule a hearing may be extended.

Personnel Board hearings may be continued as determined necessary by the Personnel Board.

- (b) The hearing before the Personnel Board may be public or closed at the option of the employee, and the employee may be represented by legal or

other counsel; however, the hearing shall be informal and the rules of evidence prescribed for duly constituted courts shall not apply. Department of Human Resources and Office of the City Attorney staff shall not be excluded from hearings designated as closed;

- (c) The Personnel Board shall, within fourteen (14) calendar days of conclusion of the aforementioned hearing or hearings, render its decision in writing and the Secretary shall direct copies thereof to the City Manager and the employee requesting the hearing.
- (d) The decision of the Personnel Board may sustain, revoke, or modify the suspension, demotion, dismissal, or reduction in salary and shall be final and conclusive in all respects and shall not be subject to appeal; and
- (e) In the event the Personnel Board revokes or modifies a suspension, demotion, dismissal, or reduction in salary and orders the employee reinstated to the former position, it shall direct the payment of salary to the employee for the period of time the Personnel Board finds the suspension, demotion, salary reduction or dismissal was improperly in effect.

## **SECTION 20.00 STANDARD OF CONDUCT**

### **20.01 STANDARD OF CONDUCT**

An appointment to the Civil Service carries with it certain rights and responsibilities under the law. It is therefore incumbent upon members of the Classified Service to serve the public well and respect the rights of all to liberty, equality and justice under the Constitution. To this end, members of the

Classified Service are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality and devotion to public service. In addition, no public office is to be used for personal gain or the special benefit of any citizen or citizen groups. The public has the right to expect a level of service and conduct that will promote and preserve confidence in and respect for the City Government.

### **20.02 EMPLOYEE RESPONSIBILITIES**

- (a) The public shall be served with courtesy, impartiality, fairness and equality under the law at all times.
- (b) The public interest shall take precedence over all other considerations regardless of conditions or circumstances.
- (c) Employees shall perform the duties to which they are assigned to the best of their ability at all times.
- (d) No person shall be granted or be permitted any consideration, treatment, advantage or favor beyond that which is general practice to grant or make available to the public at large.
- (e) Publicly owned or supported property, equipment, vehicles, labor or services shall be used for public purposes only. Public use shall mean that use which under general practice is available to the public at large, or which understated policy is authorized in the conduct of official business, or other uses as defined by action of the City Council.
- (f) City duty time shall be used for public purposes only.

### **20.03 CONFLICT OF INTEREST**

- (a) Conflict of Interest Codes. Each

employee shall comply with such code. The City Clerk will notify employees affected by the Conflict of Interest Code of their responsibilities there under.

Influencing Decisions. Employees shall not participate in or attempt to use their official positions to influence a governmental decision in which they have a financial interest.

- (b) Public Contracts. Employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Nor shall employees be purchasers at sale, or vendors at any purchase, made by them in their official capacity.

## **20.04 INCOMPATIBLE EMPLOYMENT**

In accordance with State law, members of the Civil Service shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as employees. Employees shall not perform any work, service or counsel for compensation outside of their City employment where any part of their efforts will be subject to approval by any other officer, employee, board or commission of the City.

## **20.05 GIFTS, FAVORS, AND REMUNERATIONS**

No member of the Civil Service shall accept any gift, whether in the form of money, object, favor, loan or promise that would not be offered or given if the member were not a City employee other than what is provided by the City Charter, Administrative Policy and ordinances and resolutions of the City.

## **20.06 CONFIDENTIAL INFORMATION**

Confidential information concerning any employee of the City or any other person, firm, association, group, partnership or corporation, or any property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information nor contrary to applicable state or federal law. Such confidential information regardless of disclosure shall not be used to advance the financial or personal interest of the members of the Civil Service.

## **20.07 POLITICAL ACTIVITIES**

The City may adopt rules regarding political activities which are in conformance with State and Federal laws.

## **SECTION 21.00 MISCELLANEOUS**

### **21.01 ANNIVERSARY DATE**

The anniversary date of each employee shall be the date the employee began employment with the City.

### **21.02 CLASSIFICATION**

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the Classified Service according to similarity of authority, responsibility and duties and shall take effect when adopted by the City Council. Positions shall be assigned to a single class when: (1) a similar level of authority, responsibility and duties is required; (2) a similar level of education, experience, knowledge and ability is required; and (3) the same descriptive title can be equitably applied to such positions.

Additions to or changes in the classification plan may be adopted from time to time in the same manner prescribed for the preparation and adoption of the original classification plan;

provided, however, that the sum of the duties, responsibilities and authority assigned to a new class shall constitute a regular full-time or regular part-time assignment in the City service as opposed to a casual or seasonal part-time assignment.

Specifications shall be prepared for each class and shall include:

- (a) The class title;
- (b) A brief description of the class;
- (c) A summary of essential functions performed by the class; and
- (c) A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.

### **21.03 CLASS SPECIFICATIONS**

Class specifications shall be maintained by the Human Resources Department and shall be available for review at all times on the City's website.

### **21.04 DISCIPLINARY ACTIONS**

Any employee shall be subject to discipline, including counseling, documented oral counseling, written reprimands, suspension, demotion, decrease in pay step assignment, or dismissal from the classified service, by the City Manager for the causes for discipline identified in the City's Disciplinary Action and Appeal Policy and listed below:

- (a) Violations of any City Policy;
- (b) Misconduct;
- (c) Misuse of City Property;
- (d) Theft;
- (e) Fighting;

- (f) Discourteous treatment of the public or other employees;
- (g) Consuming, possessing, or being under the influence of alcoholic beverages, non-prescription or unauthorized narcotics, or controlled substances during working hours and/or while on City property or worksite;
- (h) Failure to satisfactorily perform the duties of his/her position;
- (i) Inexcusable neglect of duty;
- (j) Failure to observe applicable rules and regulations;
- (k) Failure to cooperate reasonably with his/her supervisor/manager or coworkers;
- (l) Willful disobedience;
- (m) Insubordination;
- (n) Dishonesty;
- (o) Fraud in obtaining employment with the City;
- (p) Failure to take or subscribe to any oath which is required by law in connection with employment;
- (q) Absence without leave;
- (r) Excessive use of unprotected disability/sick leave.
- (s) Tardiness;
- (t) Falsification of timecards or City records.
- (u) Conviction, including pleas of guilty or nolo contendere, of a felony or misdemeanor if the conviction has a nexus to employee's position;

- (v) Unlawful political activity;
- (w) Unauthorized solicitation on City property;
- (x) Violation of safety rules;
- (y) Violation of City Charter provisions;
- (z) Any violation of departmental conflict of interest codes approved by the City Council and adopted pursuant to Chapter 7 of the Political Reform Act of 1974 (Government Code 87100);
- (aa) Any other act, either during or outside of duty hours which is detrimental to the public service.

Employees may appeal a suspension, demotion, pay step reduction, or dismissal to the Personnel Board as provided herein (see paragraph 19.02) and as specified in the Disciplinary Action and Appeal Policy and/or the applicable Memorandum of Understanding.

## **21.05 OTHER EMPLOYMENT**

Employees in the Classified Service may engage in other employment provided such employment does not conflict or interfere with prescribed duties and does not violate the provisions of Paragraph 20.04.

## **21.06 PERSONNEL RECORDS**

A file shall be maintained for each employee and shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are to be considered confidential information and are to be used or exhibited only for administrative purposes or in connection with official proceedings before the Personnel Board or City Council. However, any employee may examine his/her own file at any reasonable time.

## **21.07 TRAINING**

To the extent possible and practicable, in-service training and work performance opportunities shall be provided to improve daily performance and prepare employees for promotional opportunities. Approved extension or home study courses shall be considered as qualifying education for the purpose of determining eligibility for promotional examinations.

END

